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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,435	12/10/2003	Kazumi Ono	074418-0125	5159

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FOLEY AND LARDNER LLP
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WASHINGTON, DC 20007

EXAMINER

GOODEN JR, BARRY J

ART UNIT	PAPER NUMBER
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3616

MAIL DATE	DELIVERY MODE
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06/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/731,435

Applicant(s)

ONO ET AL.

Examiner

Barry J. Gooden Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/26/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to the amendment filed 3/7/07. Currently, claims 18- 29 are pending. Claims 1-17 are cancelled. Claims 18-29 are new.

Claim Objections

2. Claim 22 and 29 objected to because of the following informalities:

Claims 22 and 29, "to the back of airbag" should be replaced with -- to the back of the airbag --.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 18-24 are rejected under 35 U.S.C 103 (a) as being unpatentable over Nakashima et al., US Patent 6,299,198 B1 in view of Shiraki et al., US Patent 5,961,142.

In regards to claims 18-24, Nakashima et al. discloses all of the claimed elements including an airbag apparatus for a vehicle comprising:

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an airbag to be inflated (6);

an instrument panel (1) disposed away from the airbag having an airbag lid (4), a fixing portion (portion of 1 surrounding 4), and a fragile line (4e) formed in a back thereof to face the airbag, the fragile line separating the airbag lid and the fixing portion when hit by the airbag;

a door body (5) disposed on the back of the airbag lid (Reference is made to Figures 2-4 and 7);

a plurality of longitudinal beads provided in the door body extending from one end thereof near the hinge portion to the other end; and,

wherein the fragile line is square shaped;

further comprising a plurality of bosses provided on the back of the airbag lid and near the hinge portion and a plurality of installation holes formed on the door body, and wherein the bosses are inserted into, and are fixed with, the holes, by which the door body is mounted to the back of the airbag lid; and,

wherein the instrument panel comprises resin (Reference is made to Figures 5-7 and column 2, lines 16-19).

In regards to claims 18-24, Shiraki et al. discloses an airbag apparatus for a vehicle comprising:

a reinforcement member (31) provided around the airbag lid;

an installation portion (35) attached to the reinforcement member;

a hinge portion (49) provided between a door body (41) and the installation portion;

a plurality of longitudinal beads;

a lateral bead provided in one end of the door body extending along the hinge portion to be crossed with the longitudinal beads;

wherein the longitudinal beads are all parallel with an equal space therebetween;

further comprising another lateral bead parallel to the lateral bead to cross a center of each of the longitudinal beads, by which the two lateral beads and any two of the longitudinal beads construct a lattice form (Reference is made to Figure 3);

wherein the door body, the installation portion and the hinge portion are all metal.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the door body portion of Nakashima et al. in view of the teachings of Shiraki et al. to include a reinforcement member around the airbag lid so as to prevent the periphery of the air bag opening from breaking (Shiraki et al.: column 3, lines 14-17).

Also, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the door body portion of Nakashima et al. in view of the teachings of Shiraki et al. to include an equally spaced lattice portion across the door body portion so as to provide a force distribution network across the door body.

Furthermore, in regards to components being formed of metal or resin, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the components of either metal or resin, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

Examiner also notes that claim 18, lines 14 and 15, "wherein when the airbag is inflated...and hinge portion." is an intended use recitation. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations.

6. Claims 25-29 are rejected under 35 U.S.C 103 (a) as being unpatentable over Nakashima et al., US Patent 6,299,198 B1 in view of Shiraki et al., US Patent 5,961,142 and further in view of Gray et al., US Patent 6,402,189 B1.

In regards to claims 25-29, Nakashima et al. in view of Shiraki et al. teaches all of the claimed elements as disclosed above.

In regards to claims 25-29, Gray et al. discloses an airbag apparatus for a vehicle comprising:
a door body having a width smaller than that of the airbag lid;

wherein the door body has two corners cut off obliquely to be made narrower in a direction from one end thereof near the hinge portion to the other to form a space between the airbag lid and the door

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body, the space being made larger as the door body becomes narrower in a direction from one end thereof to the other; and,

wherein the fragile line is U-shaped.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the fragile portion, lid and door body portion of Nakashima et al. in view of Shiraki et al. in view of the teachings of Gray et al. to include a U shape and spaces so as to reduce the overall weight of the airbag apparatus.

Response to Arguments

7. Applicant's arguments filed 3/7/07 have been considered but are moot in view of the new ground(s) of rejection.

Examiner also notes that "near" is a relative term.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

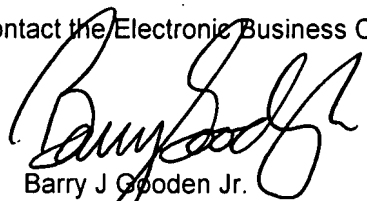
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry J. Gooden Jr. whose telephone number is (571) 272-5135. The examiner can normally be reached on Monday-Friday 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 5/29/07
Barry J Gooden Jr.
Examiner
Art Unit 3616

BJG

 5/29/07
PAUL N. DICKSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600